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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,809	08/04/2004	Ryan D. Tasma	SIE04 P-112A	4808
28101	7590	03/14/2006	EXAMINER	
VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695			NICHOLSON III, LESLIE AUGUST	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/710,809		TASMA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Leslie A. Nicholson III		3651	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 35-50 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 and 51-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/27/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Election/Restrictions*

1. Claims 35-50 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/16/2006.

### *Drawings*

2. The drawings are objected to because reference characters 214b and 250 each point to two different features in fig.15,16. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are

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not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. Claims 1-62 are objected to because, as provided in 37 CFR 1.75(i), each element or step of the claim should be separated by a line indentation.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3,4,7,8,13,14,19,22-25,28-30,51-53,56, and 60-62 are rejected under 35 U.S.C. 102(b) as being anticipated by Troupos USPub 2002/0092734.

Troupos discloses a similar roller conveyor comprising:

- A pair of opposite sidewalls (26,28)
- A plurality of idler rollers (20), at least three idler rollers
- A transverse drive system (30) having at least one transverse drive unit comprising:
  - A self-driven roller (34) positioned along one side of said walls and generally transverse to said idler rollers (¶0043)

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- A plurality of drive members (82), at least three drive members
- At least two tandem zones (12,14), each tandem zone comprising a motorized roller having an internal motor (¶0043,0048)
- Said self-driven roller is beneath said idler rollers and orthogonal to said idler rollers (fig.1)
- Said idler rollers are orthogonal to said sidewalls (fig.1)
- A right angle transfer unit (62) having a plurality of belts (68) (¶0047), wherein said belts are mounted to a movable portion (94,96)
- At least one biasing member (95) (¶0049)

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5,6,9,10,20,21,26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troupos USPub 2002/0092734 in view of Isaacs USP 6,484,886.

Troupos discloses all the limitations of the claim (see ¶5), but does not expressly disclose the roller conveyor including at least one article sensor or said idler rollers skewed with respect to said sidewalls.

Isaacs teaches at least one article sensor (60) for the purpose of evaluating the count, size, and location of items processed through the system (C7/L62-67, C8/L1-19).

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At the time of invention it would have been obvious to one having ordinary skill in the art to employ at least one article sensor, as taught by Isaacs, in the device of Troupos, for the purpose of evaluating the count, size, and location of items processed through the system.

Isaacs teaches said idler rollers skewed with respect to said sidewalls (fig.14) for the purpose of rejecting items to be removed from the system entirely (C13/L45-54).

At the time of invention it would have been obvious to one having ordinary skill in the art to have said idler rollers skewed with respect to said sidewalls, as taught by Isaacs, in the device of Troupos, for the purpose of rejecting items to be removed from the system entirely.

Troupos further discloses the device wherein said self-driven roller is positioned generally parallel to said sidewalls.

8. Claims 15,16,17,31-33, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troupos USPub 2002/0092734 in view of Tassi USP 4,019,623.

Troupos discloses all the limitations of the claim (see ¶5), but does not expressly disclose said movable portion vertically movable via a camming member, said camming member comprising a roller that rolls along a generally horizontal slot at said mounting base and an angled slot at said movable portion, wherein said rotational drive member is rotated via a rotational drive motor.

Tassi teaches said movable portion vertically movable via a camming member, said camming member (43) comprising a roller that rolls along a generally horizontal

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slot at said mounting base and an angled slot at said movable portion wherein said rotational drive member is rotated via a rotational drive motor (the drive motor 45 imparts rotation to the arms 41 which pivot about joints 42) for the purpose of vertically moving the right angle transfer unit (fig.2,3).

At the time of invention it would have been obvious to one having ordinary skill in the art to have said movable portion vertically movable via a camming member, said camming member comprising a roller that rolls along a generally horizontal slot at said mounting base and an angled slot at said movable portion wherein said rotational drive member is rotated via a rotational drive motor, as taught by Tassi, in the device of Troupos, for the purpose of vertically moving the right angle transfer unit.

9. Claims 18,34,54,55,58, and 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Troupos USPub 2002/0092734 in view of Itoh USP 6,360,869.

Troupos discloses all the limitations of the claim (see ¶5), but does not expressly disclose said belts drivable via a second self-driven roller having an internal motor.

Itoh teaches said belts drivable via a second self-driven roller (40) having an internal motor (51) for the purpose of eliminating a large number of pulleys and external motors which occupy space.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ said belts drivable with a second self-driven roller having an internal motor, as taught by Itoh, in the device of Troupos, for the purpose of eliminating a large number of pulleys and external motors which occupy space.



**Conclusion**

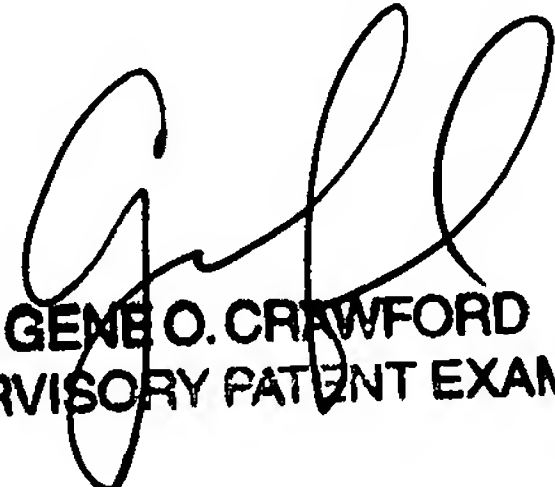
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

L.N.  
3/8/2006

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER